

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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2016 JUN 29 AM 10:21

Swamiji Sri selvam Siddhar

V.

Violet Rajkumar

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Motion to alter/ Amend the Judgement  
Motion to call back the Order/ Judgement as Moot

The Plaintiff Swamiji sri selvam siddhar is filing this Motion pursuant to Fed. R.P. 59(e), and respectfully shows the Court as follows.

This court has entered Judgement on this case, even after, this case voluntarily dismissed by the plaintiff. Further, the Court Order of Dismissal is clearly Moot. Secondly, this Court has depended upon clearly wrong facts, and has harmed the image of the Plaintiff as if he is a vexatious litigator, which he is absolutely NOT.

To make it clear on record that, this court made a clear error and has stated that, the Plaintiff was declared as a Vexatious litigant by the United States District Court for the Northern District of Georgia in the case number 1:12-cv-2941(SCJ), which was absolutely a wrong fact, and having such a wrong fact on record would prejudice the Plaintiff for ever. The Plaintiff respectfully demand the Court to show, where the case number above has found the Plaintiff as a Vexatious litigator?

Next coming to the 151st Civil court, the Plaintiff never ever filed any Lawsuits " PRO SE". It was filed by licencing Attorney Mr. Edward Mahar. When an Attorney file a Lawsuit on behalf of the client ( Swamiji Sri selvam Siddgar) the client cannot be declared as a Vexatious litigant in any means. The Court is welcome to check that case docket also. If at all any such order has been made, then that ORDER ITSELF is FRIVOLOUS and VEXATIOUS, and the Client of an attorney who has filed a case cannot be held as a Vexatious litigant in the State of Texas. Its possible only when some one filing a Lawsuit as a PRO SE in the state of Texas.

The Plaintiff, humbly request the Court to check, whether a party to the laswsuit, in which the suit was filed by an ATTORNEY can be anounced as a Vexatious litigant, which is NOT in the State of Texas.

This Court in its Judgement entered on June.17, 2016, it has wrongly quoted and depened on a Judgement entered in the case no 13-CR-437-TCB ( ND. Ga ). To show the direct evidence, the movant Annamalai, has placed the exact order language as under:

"....while incarcerated and on supervised release, Plaintiff shall not file frivolous, absuive, or malicious lawsuits against.... former customers of the Hindu Temple and related entities, and victims of his Criminal schemes....." id at ECF No. 355 at 2-3.

The court should know, or should have known, what the "order" it exactly means, and the court cannot and shall not place its apprehension to get the result the Court wants. The Order as cited which was the part of the Order of Georgia court, has clearly ordered "NOT TO FILE FRIVOLOUS, MALICIOUS, OR VEXATIOUS lawsuits. The order DID NOT ORDER THE PLAINTIFF ANNAMALAI, THAT HE CANNOT FILE "NO LAWSIUTS"AT ALL. This Court knew better than, the Plaintiff that the Judge cannot stop some one to bring a legitimate issue to the court's attention, when some one wants to redress something.

Having said this Court has depened on a order and misconstrued the facts of the order and injured the image and reputation of the Plaintiff in this case. Annamalai's contention is very simple, that the case filed in this Court was nowhere close to frivolus and a genuine lawsuit, and if the court has any fact to show that, this case was frivolus ( baseless), he is curious to look at it.

Secondly, the defendants in this action are not the customers of the Hindu Temple and related entities at all, and this Court has no evidence to even prove that, they are the customers of the Hindu Temple entities and also there is no finding on record that to show how a legitimate suit filed in this court can be misconstrued or announced as a frivolus one. According to the Black's law disctionery, Frivolus means "Baseless". What is the evidence or support this court has to show that the suit filed by the Plaintiff was a baseless one?. Of course not.

If some one is found guilty through several theaterical events and with false testimony of some unscrupulous individuals, that, then the convicted individual, cannot redress his legitimate grie-vances and or concerns through a legal court forum? That's what the Plaintiff Annamalai has done in this case.

Also this case was dismissed by this court, even without jurisdiction to dismiss, since the case was dismissed by the plaintiff, well in advance, before this court allegedly dismiss this case, that too Pursuant to the all writs act 28 U.S.C. § 1651, which was so obvious error on the part of this Court.

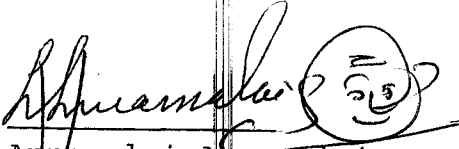
Finally, every alleged fact, court records this court depended to enter a "judgement" happened to be an intentional assault on some one's constitutional rights in accessing the Court and equal protection. To summarize again, to show clearly that, every one of the factor depended by this court to dismiss a genuine lawsuit was a clear error on the part of the Court and this Court should amend and or alter its order accordingly to reflect the "truth" and Justice and NOT apprehension and or the court or its Law clerk's personal predilections, and of course without any doubts, that what has happened here.

1. The court's dismissal is complete MOOT, since the case was voluntarily dismissed by the Plaintiff on June 8, 2016 and this court's purported dismissal order was entered on June, 16 2016. Further to be noted that, the Plaintiff did not file a Motion to dismiss this Lawsuit, and the court does not even has a jurisdiction to dismiss a suit, which was already dismissed by the Plaintiff. Further the all writs act 28 U.S.C. §1651 has got nothing to do anything with this case.
2. This court has clearly stated that it has dismissed this suit based on an or depending on an order or pursuant to an order of the Northern District of Georgia court, in the case Number 2013-CR-437-TCB-CMS, which turned out to be clearly frivolous ( baseless) order, as explained above.
3. The court's further findings to dismiss this case, as wrongly depended on an order entered in a case no 2012-CV-2941-SCJ happened to be clearly very obvious, and NO SUCH ORDER ENTERED IN that case to announce the Plaintiff as a Vexatious litigant
4. Last but not the least, the alleged order from 151 Civil court, which the Plaintiff do not have any idea about it, since the case was filed in Texas by a Licensed attorney Edward Mahar and not by the plaintiff. This Court know better than the Plaintiff, that, when a case was filed by an attorney, the client cannot be called as vexatious litigant in the entire state of Texas and there is no Texas Rules of Civil procedure, supports to this court's wrong perception that, a plaintiff represented by an attorney in the civil action in the Texas State Court/ s can be announced as a vexatious litigant, even if it would have happened, then its against the Texas Rules of civil procedure per se.

Now the overwhelming, beyond undisputable, above stated facts shows the manifest of errors committed by this court and this court needs to correct its alleged judgement accordingly to render justice and not to hurt and injure the victim Annamalai more to and in the interest of Justice.

Hence even the matters depended on by this court was clearly erroneous one and needs to be corrected in the interest of Justice. The Plaintiff request the Court to amend its Order/ judgement appropriately, to relect the proper information in its order/s in the Interest of Justice.

Respectfully submitted this 21, Day of 2016.

  
Annamalai Annamalai  
a/k/a Swamiji  
Sri selvam Siddhar.

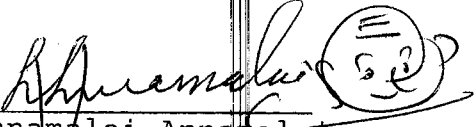
Declaration under Penalty of perjury

I, Annamalai Annamalai also known as Swamiji Sri selvam siddhar is filing this Declaration under penalty of Perjury Pursuant to 28 U.S.c § 1746 as follows.

1. I was never ever announced or declared by the Northern District of Georgia case number 1:12-cv-2941(scj), as a Vexatious litigant at all. The case was filed by licensed attorneys in Georgia.
2. The case which this court has used to referr me as a Vexatious litigant was NOT file by me. It was filed by a licensed attorney Mr. Edward Mahar, with 40 years law experience. I have never ever filed a case in in the 151st Civil court as a Pro se at any time in my life.
3. As per the 151st civil court of Texas and as per the Texas rules of Civil Procedure, when a suit is/was filed by an Attorney the client cannot be and shall not be declared as a vexatious litigant.
4. The Court in this case no 16-cv-1984, made a clear error and has depended on erroneous information, without even giving an opportunity to explain my side facts and injured me and my clear and good image.
5. The Order entered on 06/17/2016 to be recalled and sealed, to avoid any more harm and injury towards me in the future, for any more judge/s to depenbd an a cleaily erroneous information to rule on any of my cases.

I am making the above declaration under penalty of perjury, and the facts stated above are true to my knowledge and beliefs.

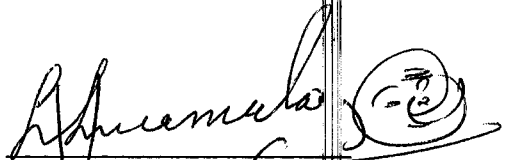
Executed on June, 21, 2016.

  
Annamalai Annamalai

CERTIFICATE OF SERVICE

This document is mailed to this Court on 06/22/2016, by I am depositing this document in the Prision mail box, postage prepaid.

Respectfully submitted this day of 22, June, 2016.

  
Annamalai Annamalai

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*06-27-16*

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